Remarks

I. Introduction

This is in response to the Office Action dated August 7, 2009.

The Office Action rejected claim 10 under 35 U.S.C. §112, second paragraph.

The Office Action rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Smyk (US Patent No. 6,603,760) in view of Wilson (US Patent No. 5,555,288).

The Office Action also rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Smyk in view of Soncodi (US Publication No. 2005/0074026).

The Office Action rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Smyk and Wilson, and further in view of Bays (US Publication No. 2002/0141378). The Office Action rejected claims 11-12 under 35 U.S.C. 103(a) as being unpatentable over Smyk and Wilson, and further in view of Funk (US Patent No. 5,185,785). The Office action also rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Smyk and Soncodi, and further in view of Bays. The Office action also rejected claims 11-12 under 35 U.S.C. 103(a) as being unpatentable over Smyk and Soncodi, and further in view of Funk. The Office Action also rejected claims 11-12 under 35 U.S.C. 103(a) as being unpatentable over March and Soncodi, and further in view of Funk.

Claims 1-12 have been amended. Claims 1-12 are pending in this application.

II. Examiner Interview Summary

Applicants thank Examiner Patel for the interview conducted with Steven M. DiPasquo (Reg. No. 54,754) on November 9, 2009. The Examiner and Mr. DiPasquo discussed the limitations of independent claim 1 in light of the cited art.

III. Rejection under 35 U.S.C. §112

The Office Action rejected claim 10 under 35 U.S.C. §112, second paragraph. In particular, the Office Action asserts that there is insufficient antecedent basis for the term "the provisioning system" in claim 10. In response, claim 10 has been amended to change "the provisioning system" to "a provisioning system". Therefore, Applicants respectfully request withdrawal of the rejection of claim 10 under 35 U.S.C. §112, second paragraph.

IV. Rejections under 35 U.S.C. § 103(a)

Independent claim 1 was rejected as being unpatentable over Smyk in view of Wilson. Independent claim 1 was also rejected as being unpatentable over Smyk in view of Soncodi. In order to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. The cited references, either alone or in combination, do not teach all of the claim limitations of independent claim 1. Therefore, Applicants request the withdrawal of the rejection under 35 U.S.C. §103(a).

As described at paragraph [0012], the present application is related to aiding a shift in the equipment or technology of telecommunications networks. This may be used, for example, when transitioning from a "4ESS" legacy network to a new "edge network" where the goal, as recited in paragraph [0018], may be the eventual migration of all calls from the legacy network to the new network. In embodiments of the invention, the method proceeds by guiding calls from a legacy network (i.e. a PSTN network) to a new network (i.e. a packet-switched network) and providing service processing in the new network based on a particular type of incoming trunk. In the example 1 of the present application, as recited from paragraph [0027] to [0036], an incoming trunk may, for example, be a "switched access or nodal trunk." A query is sent to a Service Processor to

determine if the trunk on which the call arrived to the legacy network is a "qualified trunk" for service processing in the new network. Thus, depending on whether the incoming trunk was a qualified trunk, a call may be guided from a legacy network to a new network and service processing may be invoked in the new network.

The above aspects are reflected in independent claim 1. In particular, independent claim 1, as amended, recites the limitations of:

> creating a set of decision criteria, applied in a first of said at least two subnetworks, that determine which calls entering said first of said at least two subnetworks should receive service processing in a second of said at least two subnetworks;
> receiving a call in said first of said first subnetwork over a switched access or nodal trunk;
> transmitting a query to a service processor corresponding to a service to be processed for the call to determine whether the call arrived on a trunk that qualifies to receive service processing in said second subnetwork;
> if it is determined that the call arrived to said first subnetwork on a qualified trunk to receive service processing in said second subnetwork, guiding the call to said second subnetwork; and
> invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on.

The cited art does not show all of these limitations of independent claim 1.

Smyk in view of Wilson

Smyk is directed to handling a phone call on a legacy or a new network (an "NGN") based on a subscription of a user. Smyk retrieves data in a subscription database to determine whether the dial-tone and services will be provided by the legacy or the new network. Thus, a customer chooses to subscribe to a first or second network. Smyk does not disclose that services are provided or that calls are guided to the new network based on the incoming trunk.

Accordingly, Smyk discloses routing a call to a new network based on data in subscription database, and therefore does not disclose routing a call based on the type of incoming trunk. Col. 5 lines 47-49 of Smyk state, "[a] subscription database 417 contains information related to the customer's line such as whether the customer subscribes to communications services offered through the SM or through the class 5 switch." Smyk further states in col. 5 lines 54-47, "[b]ased on the information in the subscription database 417, the SM 416 determines that the customer has selected service features offered through the class 5 switch 418 and the call should be established in VLL mode." Thus, Smyk directs a call to a second subnetwork (i.e. through the class 5 switch 418) based on a user's subscription. Smyk does not disclose that the call is directed based on the type of incoming trunk. Further, Smyk does not disclose transmitting a query to a service processor to determine whether the call arrived on a trunk that qualifies for service processing in the second subnetwork. Thus, Smyk does not disclose "transmitting a query to a service processor corresponding to a service to be processed for the call to determine whether the call arrived on a trunk that qualifies to receive service processing in said second subnetwork" and "if it is determined that the call arrived to said first subnetwork on a qualified trunk to receive service processing in said second subnetwork, guiding the call to said second subnetwork," as recited in independent claim 1.

Wilson is directed to a voice processing system with a configurable telephone line interface. As described in Wilson, trunks can be grouped and defined as a particular trunk type. As described at column 18, lines 1-8 of Wilson different trunk groups are coupled to specialized nodules for processing. The Examiner relies on the description of grouping trunks together and coupling trunk groups to specialized modules to assert that Wilson cures the deficiencies of Smyk. However, there is no description in Wilson of directing a call received at a first subnetwork to a second subnetwork based on the type of incoming trunk. The description of grouping trunks in Wilson is not the same as directing an incoming call based on the type of incoming trunk. Further, there is no description in Wilson of transmitting a query to a service processor to determine

whether a call arrived on a qualified trunk. Therefore, neither Smyk nor Wilson, separately or in combination, disclose "transmitting a query to a service processor corresponding to a service to be processed for the call to determine whether the call arrived on a trunk that qualifies to receive service processing in said second subnetwork" and "if it is determined that the call arrived to said first subnetwork on a qualified trunk to receive service processing in said second subnetwork, guiding the call to said second subnetwork," as recited in independent claim 1.

Smyk in view of Soncodi

As described above, Smyk does not disclose "transmitting a query to a service processor corresponding to a service to be processed for the call to determine whether the call arrived on a trunk that qualifies to receive service processing in said second subnetwork" and "if it is determined that the call arrived to said first subnetwork on a qualified trunk to receive service processing in said second subnetwork, guiding the call to said second subnetwork," as recited in independent claim 1.

Soncodi, in paragraph [0006], in the "Disclosure of the Invention" discloses that, "Based on one or more parameters in the signaling message, an incoming SIP trunk group is identified." Soncodi is concerned with identified SIP (Voice over IP) trunks groups only.   Soncodi defines a trunk group as, for example, those trunks which have peers invited to a multimedia conference, such a telephone call (paragraph [0020]). Thus, a "trunk group," as defined in Soncodi, are SIP calls which communicate with each other. Soncodi trunk groups do not comprise different types of trunks.

Accordingly, Soncodi does not disclose that a call arrives on a" switched access or nodal trunk," as recited in independent claim 1. Furthermore, although Soncodi describes identifying an incoming trunk group, there is no description in Soncodi of transmitting a query to a service processor to determine whether a trunk group is qualified to receive service processing in a different subnetwork for a particular service.   Thus, neither Smyk nor Soncodi, separately or in

combination disclose "transmitting a query to a service processor corresponding to a service to be processed for the call to determine whether the call arrived on a trunk that qualifies to receive service processing in said second subnetwork" and "if it is determined that the call arrived to said first subnetwork on a qualified trunk to receive service processing in said second subnetwork, guiding the call to said second subnetwork," as described in independent claim 1.

For the reasons described above the Smyk, Wilson, and Soncodi, separately or in any hypothetical combination, do not disclose all of the limitations of independent claim 1. Thus, independent claim 1 is allowable over the cited art. Claims 2-12 depend from allowable independent claim 1, and are therefore also allowable.

V. No New Matter

The amendments to claims 1-12 are fully supported in the specification as filed at least at paragraphs [0027]-[0034].

VI. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

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